HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.6173 OF 2002

DATE:16-11-2006

Between:

Ravipudi Gopichand

.. Petitioner

AND

Deputy Registrar of Co-operative Societies,
Santhapet, Prakasam District
& 4 others

.. Respondents

ORDER:

It appears, the grandfather of the petitioner suffered a surcharge under Section 60(1) of the A.P. Co-operative Societies Act, 1964. Being aggrieved by the same, he had filed an appeal before the appellate authority.

On consideration of the appeal, the appellate authority reduced the liability and fixed it at Rs.13,621/-. In the meanwhile, the grandfather of the petitioner died. Thereafter, an execution petition was filed to recover the said amount and the impugned sale notice dated 01-03-2002 was issued proposing to auction the properties held by the grandfather of the petitioner. Aggrieved by the same, petitioner filed the present writ petition.

While admitting the writ petition on 04-04-2002,
this Court granted interim stay on condition of the petitioner

depositing Rs.5,000/- within three weeks from that day.

Learned counsel for the petitioner asserts that the interim order dated 04-04-2002 was complied with, hence the stay was made absolute on 17-07-2002, and as of now nothing remains in this writ petition for further adjudication.

Out of Rs.13,621/-, as per the record, the petitioner had already deposited an amount of Rs.5,000/- and it seems he is due an amount of Rs.8,621/-, but according to the learned counsel for the petitioner it is only Rs.5,000/-. Learned counsel for the petitioner further asserts that a sum of Rs.2,000/- was deposited on 23-09-1996 and if the same is given credit to, the amount remains to be paid is only Rs.3,000/-.

The surcharge proceedings and the fixing of liability had already attained finality in the appeal filed by the grandfather of the petitioner. However, it is not for this Court to adjudicate upon these facts.

In the circumstances, the petitioner is granted three months time from today to discharge the amount due by him as against the execution petition and the sale notice issued by the respondents. The respondents are directed to give credit to the amounts already deposited by the petitioner as well as his grandfather towards the surcharge amount due.

With the above directions, the Writ Petition is disposed of. No costs.

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C.V. RAMULU, J

Date:16-11-2006.

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